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SECOM-D-154

30 May 1986

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence
Director, Intelligence Community Staff
Deputy Director, Intelligence Community Staff

FROM: Director, CCISCMS/ICS

SUBJECT: Obstacles to Solving Unauthorized Disclosures

1. One of the greatest needs in the anti-unauthorized disclosure effort is better communication among those who have varying degrees of responsibility for combatting UD's. Parochialism about leaks is a serious obstacle to improving the situation.

2. Current procedures actually prevent the prompt investigation of UD's. Preliminary investigation by departments and agencies can consume weeks or months, but apparently they must perform these inquiries before reporting the matter to the Department of Justice and the FBI. There is a clear need to determine that information appearing in the press is classified, that it has not been published previously, and that the disclosure was not authorized. These determinations could be made easier by creating and maintaining an up to date register of previously disclosed classified intelligence. This would mean going through the works of Richelson, Bamford, Hersh, et al and recording each disclosure for computerized comparison with future stories in the media. The determination of whether the disclosure was authorized could be made much simpler by establishing an iron clad procedure for coordinating the proposed release of classified intelligence. Anyone failing to follow that procedure would be guilty per se of an unauthorized disclosure.

3. Preliminary investigations by departments and agencies may be dropped upon determination that the leaked information was widely disseminated. They may be extended by efforts to identify the discloser of the information. As a result, "hopeless" cases are often dropped promptly, while those with some promise of solution may be worked for long periods while the trail grows cold. The greatest drawback to these preliminary investigations is that each agency may investigate only in its own organization. CIA makes an effort to investigate each unauthorized disclosure. In an overwhelming number of cases,

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however, the disclosure probably was made by someone outside CIA. Referral to the FBI, therefore, must wait until CIA completes its inquiries. If the discloser actually is in another department, and that department chooses not to investigate the case, there can be no meaningful investigation until the CIA internal inquiry is completed. Even when the UDAC requests investigative support from an NFIB agency, the nature and extent of that support is solely up to the recipient of the request.

4. The primary benefit of the internal investigations is that leads may be developed and potential suspects may be identified, and that information may be passed to the FBI. If the leaker's own organization is not conducting an inquiry, however, these benefits are unlikely to be achieved. Meanwhile, the trail grows cold, memories fade, and knowledge of the leak grows broader, complicating the investigation and making solution more unlikely. The director of the FBI has said it is important for the FBI to begin its investigation within a week of the occurrence of the leak if there is to be any real expectation of success.

5. After a case is referred to the DOJ with a request for FBI investigation, Justice officials may take considerable time to decide whether to authorize the investigation. This adds to the delay and makes solution more remote.

6. Once the FBI opens a case on the disclosure, investigators of other agencies are expected to discontinue their efforts. There should be a way to cooperate effectively and allow both investigations to continue under overall FBI direction.

7. The FBI is reluctant to provide any information on cases of intelligence disclosures, except where CIA personnel are implicated. The DCI has a need and a responsibility to know which cases of intelligence disclosures are being investigated, regardless of who made the disclosures. This is not to say the DCI should interfere in the investigation, only that he has a right to know which specific intelligence leaks are under investigation. The DOJ seems even more unwilling to provide the DCI data about intelligence leaks under investigation. Other agencies, notably the DOD, apparently consider leak investigations, even intelligence disclosures, internal matters of no concern to the DCI.

8. Within the DoD, restrictions on the use of the polygraph for screening purposes reduce its utility in discovering the sources of unauthorized disclosures. The DoD "CI-scope" polygraph purposefully excludes coverage of unauthorized disclosures except to foreign intelligence agents. This disability apparently results from Congressional restrictions. With more senators and representatives publicly opposing leaks, it may be possible to have such restrictions modified.

9. News releases by anonymous "senior officials" create an environment which is conducive to unauthorized disclosures. If every official who talks to the press were quoted by name or position, it would make for more responsible dealings with the press.

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10. All of this illustrates the disorganized, fragmented nature of the effort to combat unauthorized disclosures of classified intelligence. Until the DCI can successfully assert his authority and his right to be kept aware of what is being done about intelligence disclosures, nobody is in charge of the effort, everybody will continue to go his own way, and no progress will be made. The scope and nature of the DCI's responsibility for protecting classified intelligence must be made clear to the rest of the executive branch. Only the President can do that.

11. Until there is widespread public awareness of the damaging nature of unauthorized disclosures, and until the administration can muster the determination to do something about them, they will continue virtually unimpeded. There is a desperate need for common purpose and concerted action.



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